

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

GREGORY PHILLIPS

PLAINTIFF

v.

Civil No. 07-5165

SHERIFF KEITH FERGUSON;
MAJOR DRAKE; CAPTAIN HUNTER
PETRAY; and LT. CARTER

DEFENDANTS

ORDER

Plaintiff's complaint was filed in this case on September 27, 2007. Before the undersigned is the issue of whether the complaint should be served. In order to assist the court in making such determination, it is necessary that plaintiff provide additional information.

Accordingly, it is ordered that plaintiff, Gregory Phillips, complete and sign the attached addendum to his complaint, and return the same to the court **by November 27, 2007. Plaintiff is advised that should he fail to return the completed and executed addendum by November 27, 2007, his complaint may be dismissed without prejudice for failure to prosecute and/or for failure to obey an order of the court.**

IT IS SO ORDERED this 5th day of November 2007.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE

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Civil No. 07-5165

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MAJOR DRAKE; CAPTAIN HUNTER
PETRAY; and LT. CARTER

DEFENDANTS

ADDENDUM TO COMPLAINT

TO: GREGORY PHILLIPS

This form is sent to you so that you may assist the court in making a determination as to the issue of whether the complaint should be served upon the defendants. Accordingly, it is required that you fill out this form and send it back to the court **by November 27, 2007**. Failure to do so will result in the dismissal of your complaint.

The response must be legibly handwritten or typewritten, and all questions must be answered completely in the proper space provided on this form. If you need additional space, you may attach additional sheets of paper to this addendum.

RESPONSE

In your complaint, you allege that religious materials are not allowed to come into the jail. Instead, you indicate you are required to use certain Bibles instead of the Bible of your preference.

1. Provide the dates of your incarceration at the Benton County Detention Center (BCDC). (In answering, be specific).

Answer:

2. Are you incarcerated at the BCDC solely because of pending criminal charges?

Answer: Yes _____ No _____.

If you answered yes, please state what charges are pending against you.

If you answered no, please state whether you are serving a sentence or if your probation, parole, or supervised release has been revoked.

3. What religious materials are available to you at the BCDC?

Answer:

4. What religious materials were you refused access to?

Answer:

5. You indicate you are allowed access to a Bible but not the one of your preference.

Please explain what you mean by this statement.

Answer:

6. Are you able to worship and otherwise follow the dictates of your religion?

Answer: Yes _____ No _____.

If you answered no, please explain in detail.

7. You have named Sheriff Keith Ferguson, Major Drake, Captain Hunter Petray, and Lt. Carter as defendants. However, in your complaint you do not mention any actions taken by any of these defendant. Please describe how each of these defendants violated your federal constitutional rights.

Sheriff Keith Ferguson:

Major Drake:

Captain Hunter Petray:

Lt. Carter:

I CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS COVERED BY
THE VERIFICATION MADE BY ME ON MY INITIAL COMPLAINT.

GREGORY PHILLIPS

DATE